

### **REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. § 102. Thus, the Applicants believe that all of these claims are now in allowable form.

In addition, the Applicants' representative would like to thank Examiner Meucci for kindly taking a substantial amount of time on October 10, 2006 to discuss the merits of the subject invention. The Applicants' representative is aware of the time constraint that is placed on the Examiner and is appreciative of the Examiner's willingness to devote such large quantity of time to discuss the case on the merits.

### **I. REJECTION OF CLAIMS 22-47 UNDER 35 U.S.C. § 102**

#### **1. Claims 22-47**

The Examiner has rejected claims 22-47 under 35 U.S.C. §102(b) as being anticipated by the Mahany patent (United States Patent No. 5,960,344, issued on September 28, 1999, hereinafter "Mahany"). In response, the Applicants have amended independent claims 22 and 35, from which claims 24-34 and 37-47 depend, in order to more clearly recite aspects of the present invention. Claims 34 and 36 have been cancelled without prejudice.

In particular, the Examiner's attention is respectfully directed to the fact that Mahany fails to teach, show or suggest the novel invention of communicating using a directed, one-to-one communication to configure the use of a shared medium, as claimed in Applicants' independent claims 22 and 35.

By contrast, Mahany at most teaches using a dedicated communication channel to broadcast a busy signal when a wireless access point is engaged in communication over a primary communication channel with a wireless terminal, so that other wireless terminals will receive the busy signal and will not attempt to send colliding transmissions to the access point. This is not the same as using a first, directed, one-to-one communication medium to configure or set up a communication over a second communication medium, *e.g.*, such that one of the devices communicating via the one-

to-one communication is able to communicate with a third device over the shared medium.

First, the Applicants submit that there is no explicit, or even implicit, mention anywhere in the cited passages of Mahany, or anywhere else in Mahany, of the use of a directed, one-to-one communications medium. The totality of the Mahany reference describes problems (e.g., "hidden terminals") encountered in shared medium wireless communications systems and specific solutions thereto involving the use of multiple wireless adapters/antennae operable on a shared communications medium (perhaps utilizing different frequencies of that shared medium). The reference is completely devoid of any teaching or suggestion of a second type of communications medium, and specifically makes no reference to a directed, one-to-one communications medium as recited in Applicants' claims.

Further, Mahany does not teach or suggest using a communication over a first type of communications medium (e.g., a directed, one-to-one medium) to configure a communication over a second type of communications medium (e.g., a shared medium). Even assuming, *in arguendo*, that the cited portions of Mahany teach "configuring [...] a use of a shared medium", as described in Applicants' claims, such alleged configuration is performed in response to a communication over a shared medium (the wireless channels), and not with respect to any communication over any directed, one-to-one medium as set forth in Applicants' claims.

Applicants' independent claims 22 and 35 positively recite:

22. A method for managing communications over a plurality of networked devices, the method comprising:

exchanging a first directed, one-to-one communication between a first networked device and a second networked device over a point-to-point medium; and

configuring, via said first communication, a use of a shared medium by at least said second networked device, wherein said configuring enables said second networked device to communicate with a third networked device over said shared medium. (Emphasis added)

35. A computer-readable medium having stored thereon a plurality of

instructions, the plurality of instructions including instructions which, when executed by a processor, cause the processor to perform the steps of a method for managing communications over a plurality of networked devices, the method comprising:

exchanging a first directed, one-to-one communication between a first networked device and a second networked device over a point-to-point medium; and

configuring, via said first communication, a use of a shared medium by at least said second networked device, wherein said configuring enables said second networked device to communicate with a third networked device over said shared medium. (Emphasis added)

As discussed above, Mahany fails to teach, show or suggest a method of communicating using a first communication medium to configure the use of a second communication medium, as claimed in Applicants' independent claims 22 and 35. In particular, Mahany does not teach configuring the use of a shared medium via communications over a directed, one-to-one medium (e.g., a point-to-point medium). Therefore, the Applicants submit that independent claims 22 and 35 fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Dependent claims 24-34 and 37-47 depend, respectively, from claims 22 and 35 and recite additional features therefore. As such, and for at least the same reasons set forth above, the Applicants submit that claims 24-34 and 37-47 are not anticipated by the teachings of Mahany. Therefore, the Applicants submit that dependent claims 24-34 and 37-47 also fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

## 2. Claims 22 and 35

The Examiner has rejected claims 22 and 35 under 35 U.S.C. §102(b) as being anticipated by the Enns patent (United States Patent No. 6,658,010, issued on December 2, 2003, hereinafter "Enns"). In response, the Applicants have amended independent claims 22 and 35, from which claims 23-34 and 36-47 depend, in order to more clearly recite aspects of the present invention.

In particular, the Examiner's attention is respectfully directed to the fact that

Enns, like Mahany, fails to teach, show or suggest the novel invention of exchanging a first communication using a first, directed-one-to-one medium to configure the use of a second, shared medium, as claimed in Applicants' independent claims 22 and 35, recited above.

Enns teaches a network management system for asymmetric networks (*see, e.g.*, Enns at Abstract), meaning that communication packets downstream (to end-user devices) and upstream (from end-user devices) take different paths, speeds and/or protocols to and from a point of presence (POP) (*see, e.g.*, Enns at column 3, lines 50-55 and Fig. 1). Enns explicitly teaches that the downstream communications path is a shared-medium (*see, e.g.*, Enns at column 2, lines 40-43). For a communication to be exchanged over a particular medium, both the forward and reverse paths of the communication must comprise a point-to-point (*i.e.*, directed, one-to-one) medium. As the network of Enns is asymmetric, and the downstream communications path is a shared medium, Enns cannot teach exchanging a first communication ... over a directed, one-to-one medium. Accordingly, Enns fails to teach, show or suggest configuring the use of a shared medium via communications over a directed, one-to-one communication.

Thus, the Applicants submit that independent claims 22 and 35 are not anticipated by the teachings of Enns. Therefore, the Applicants submit that claims 22 and 35 fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

## **II. CONCLUSION**

Thus, the Applicants submit that all of the presented claims now fully satisfy the requirements of 35 U.S.C. §102. Consequently, the Applicants believe that all of the presented claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously

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as possible.

10/30/06  
Date

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Respectfully submitted,

  
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